

**THE HON'BLE SRI JUSTICE RAMESH**

**RANGANATHAN**

**W.P.No. 13945 OF 1997**

**Date : 29-1-2007**

**Between:**

Smt. R.Sujatha ....

Petitioner

And

1. The District Educational Officer,

Machilipatnam and another ... Respondents

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ORDER:

While the petitioner claims absorption in the existing aided post of S.G.B.T. Teacher in the 2<sup>nd</sup> respondent - school, Sri A.Venkataramana, learned counsel for the petitioner would restrict his submissions in this writ petition only to the non-consideration of the petitioner in the selection held in 1996. Learned counsel would submit that the petitioner's case was rejected by the duly constituted selection committee solely on the ground that she was aged more than 36 years and as such was not entitled for being considered for appointment as Teacher. Learned counsel would submit that there is no such restriction in G.O.Ms.No.1 dated 1.1.1994 and that prescription of upper age limit in the absence of any such restrictions in the statutory rules is illegal. Learned counsel would place reliance on a judgment of this Court in **O.Rama Mohan Reddy v. Secretary, Education Committee**<sup>[1]</sup> wherein this Court upheld a similar contention and held that a candidate could not be rejected on the ground that the applicant has crossed the age limit of 36 years.

There shall be a direction to the respondents to consider the petitioner's case for appointment as S.G.B.T teacher in terms of the selection held in 1996

without placing any restrictions with regards the upper age limit of 36 years, within a period of three months from the date of receipt of a copy of the order.

The writ petition is accordingly disposed of. No costs.

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29-1-2007

ASP

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[\[1\]](#) 1996(4) ALD 840